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|-----------------------|--|--|--|
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| 11 | Attorneys for E. I. du Pont de Nemours and Company | | |
| 12 | | | |
| 13 | UNITED STATES DISTRICT COURT | | |
| 14 | NORTHERN DISTRICT OF CALIFORNIA | | |
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| 16 | E. I. DU PONT DE NEMOURS AND Output Description: Descri | | |
| 17 | COMPANY,) <u>JOINT STATUS REPORT AND</u> [PROPOSED] ORDER EXTENDING | | |
| 18 | Plaintiff,) <u>STAY OF ACTION</u> | | |
| 19 | v.) Judge: Hon. Jeffrey S. White | | |
| 20 | USA PERFORMANCE TECHNOLOGY,) Hearing Date: None INC., PERFORMANCE GROUP (USA),) INC., WALTER LIEW, and JOHN LIU,) | | |
| 21 | | | |
| 22 | Defendants.) | | |
| 23 |) | | |
| 24 | Pursuant to the Court's March 27, 2012 Order, Plaintiff E. I. du Pont de Nemours and | | |
| 25 | Company ("DuPont") and defendants Walter Liew and USA Performance Technology, Inc. | | |
| 26 | (collectively "USAPT") submit this Joint Status Report. The parties request that the stay in this | | |
| 27 | matter set to expire on July 30, 2012, remain in place for an additional 60 days, through | | |
| 28 | September 28, 2012. | | |
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| 1 | On August 23, 2011, the United States filed United States v. Walter Liew and Christina |
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| 2 | Liew, No. CR-11-0573-RS. On February 7, 2012, the United States filed a superseding |
| 3 | indictment in said action. <i>Id.</i> at Docket # 64. |
| 4 | <u>DuPont's Position</u> : The superseding indictment alleges that defendant Walter Liew, his |
| 5 | wife, Christina Liew, and several other defendants violated multiple federal trade secret and |
| 6 | economic espionage laws when they stole – and utilized – the trade secrets at issue in this action |
| 7 | Inter alia, Mr. Liew is charged with Conspiracy to Commit Economic Espionage, Conspiracy to |
| 8 | Commit Theft of Trade Secrets, Possession of Trade Secrets, Conveying Trade Secrets, Witness |
| 9 | Tampering, and False Statements. See id. ¶¶ 16-97. In addition, the superseding indictment |
| 10 | identifies five DuPont trade secrets relating to its TiO2 technology at issue in the criminal action |
| 11 | <i>Id.</i> ¶ 14. |
| 12 | <u>USAPT's Position</u> : Defendants believe that the superseding indictment speaks for itself, |
| 13 | and no further explanation or commentary is appropriate or needed. |
| 14 | On September 7, 2011, this Court issued an Order relating the criminal proceeding with |
| 15 | this action, pursuant to its determination that this action and the criminal proceeding are related |
| 16 | within the meaning of Crim. L.R. 8-1(b). (Docket # 42.) ¹ |
| 17 | On September 23, 2011, the parties filed a joint status report requesting that the stay |
| 18 | initially entered on July 22, 2011 (Docket # 39), be extended for an additional 60 days. (Docket |
| 19 | # 44.) On September 29, 2011, the Court granted the parties' request. (Docket # 45.) |
| 20 | On November 23, 2011, the parties filed an additional joint status report requesting that |
| 21 | the stay be extended for an additional 60 days. (Docket # 46.) The Court granted the parties' |
| 22 | request on November 29, 2011. (Docket # 48.) |
| 23 | On January 24, 2012, the parties filed an additional joint status report requesting that the |
| 24 | stay be extended for an additional 60 days. (Docket # 49.) The Court granted the parties' |
| 25 | request on January 31, 2012. (Docket # 50.) |
| 26 | |
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On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants in this action are Walter Liew and his company, USA Performance Technology Inc.

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| 1 | On March 26, 2012, the parties | s filed an additional joint status report requesting that the |
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| 2 | stay be extended for an additional 60 c | lays. (Docket # 51.) The Court granted the parties' |
| 3 | request on March 27, 2012. (Docket # | ± 52.) |
| 4 | On May 23, 2012, the parties f | iled an additional joint status report requesting that the |
| 5 | stay be extended for an additional 60 c | lays. (Docket # 53). The Court granted the parties' |
| 6 | request on May 23, 2012. (Docket # 5 | (4). |
| 7 | The undersigned counsel reque | est that the stay remain in place for an additional 60 days, |
| 8 | at which time the parties will update th | ne Court. |
| 9 10 | Dated: July 23, 2012 | GLYNN & FINLEY, LLP CLEMENT L. GLYNN MORGAN K. LOPEZ |
| 11 | | JONATHAN A. ELDREDGE |
| 12 | | One Walnut Creek Center 100 Pringle Avenue, Suite 500 Walnut Creek, CA 94596 |
| 13 | | MORRIS JAMES LLP |
| 14 | | P. CLARKSON COLLINS, JR. JASON C. JOWERS |
| 15 | | 500 Delaware Avenue, Suite 1500 Wilmington, DE 19801 |
| 16 17 | | By /s/ Morgan K. Lopez Attorneys for Plaintiff |
| 18 | Dated: July 23, 2012 | MOUNT & STOELKER, P.C. DANIEL S. MOUNT |
| 19 | | ON LU KEVIN M. PASQUINELLI |
| 20 | | RiverPark Tower, Suite 1650 333 West San Carlos Street |
| 21 | | San Jose, CA 95110-2740 |
| 22 | | By /s/ Daniel S. Mount Attorneys for Defendants USA Performance |
| 23 | | Technology, Inc., and Walter Liew |
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| 1 | [PROPOSED] ORDER |
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| 2 | Having read and considered the Joint Status Report, |
| 3 | IT IS ORDERED THAT: |
| 4 | The parties' request that the stay be extended until September 28, 2012 is hereby |
| 5 | GRANTED. Counsel shall submit a joint status report on or before September 21, 2012. |
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| 8 | July, 2012 |
| 9 | Honorable Jeffrey S. White UNITED STATES DISTRICT |
| 10 | JUDGE |
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